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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2010-535

13 **KAREN MARY O'CONNOR aka**  
14 **KARYN MARY O'CONNOR aka**  
15 **KARYN MARY O'CONNER**  
PO Box 2114  
Upland, CA 91785

**ACCUSATION**

16 Registered Nurse License No. 689235

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
23 of Consumer Affairs (Board).

24 2. On or about September 21, 2006, the Board issued Registered Nurse License  
25 No. 689235 to Karen Mary O'Connor aka Karyn Mary O'Connor aka Karyn Mary O'Conner  
26 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
27 the charges brought herein and will expire on October 31, 2010, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

6. Section 2750 provides that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight (8) years after the expiration.

8. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, . . .

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be

1 conclusive evidence thereof. . . .”

2 9. Section 2762 states, in pertinent part:

3 "In addition to other acts constituting unprofessional conduct within the meaning of this  
4 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
5 chapter to do any of the following:

6 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
7 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or  
8 administer to another, any controlled substance as defined in Division 10 (commencing with  
9 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
10 defined in Section 4022.

11 "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
12 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
13 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
14 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
15 ability to conduct with safety to the public the practice authorized by his or her license.

16 "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
17 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
18 or the possession of, or falsification of a record pertaining to, the substances described in  
19 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
20 thereof. . . .”

### 21 REGULATORY PROVISIONS

22 10. California Code of Regulations, title 16, section 1444 states, in pertinent part:

23 "A conviction or act shall be considered to be substantially related to the qualifications,  
24 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
25 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
26 safety, or welfare. . . .”

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1 **COST RECOVERY**

2 11. Section 125.3 provides that the Board may request the administrative law judge to  
3 direct a licensee found to have committed a violation or violations of the licensing act to pay a  
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

6 12. Methamphetamine is a Schedule II controlled substance as designated by Health and  
7 Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant to  
8 Business and Professions Code section 4022.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Conviction of Substantially Related Crime)**

11 13. Respondent is subject to disciplinary action under sections 490 and 2761,  
12 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that  
13 Respondent was convicted of a crime substantially related to the functions or duties of a  
14 registered nurse which to a substantial degree evidence her present or potential unfitness as a  
15 registered nurse to practice in a manner consistent with the public health, safety, or welfare. The  
16 circumstances of the conviction are as follows:

17 a. On or about November 14, 2008, after pleading guilty, Respondent was convicted of  
18 one misdemeanor count of violating Health and Safety Code section 11377(a) [possession of a  
19 controlled substance, to wit, methamphetamine] in the criminal proceeding entitled *The People of*  
20 *the State of California v. Karyn Mary O'Conner* (Super. Ct. San Bernardino County, 2008,  
21 No. FWB800186). The Court placed Respondent on 36 months of probation, and ordered her to  
22 complete a Drug Court Rehabilitation Program, attend three (3) NA/AA meetings per week,  
23 register as a narcotics offender and seek and maintain gainful employment or attend school.

24 b. The circumstances underlying the conviction are that on or about November 19, 2007,  
25 Respondent was driving a vehicle with a tested 0.139 blood alcohol, admitted to drinking alcohol  
26 before driving, had possession of tested methamphetamine, was argumentative and was unable to  
27 perform field sobriety tests because she was lying on the sidewalk passed out.

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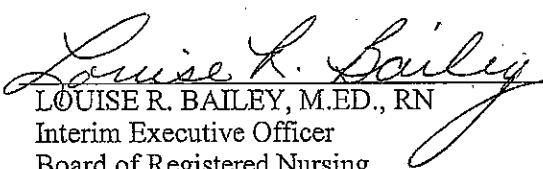
1 functions or duties of a registered nurse which to a substantial degree evidence her present or  
2 potential unfitness as a registered nurse to practice in a manner consistent with the public health,  
3 safety, or welfare. Complainant refers to and by this reference incorporates the allegations set  
4 forth above in paragraphs 13 - 16, inclusive, as though set forth fully.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
7 and that following the hearing, the Board issue a decision:

- 8 1. Revoking or suspending Registered Nurse License No. 689235, issued to Respondent;  
9 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
10 enforcement of this case, pursuant to section 125.3; and  
11 3. Taking such other and further action as deemed necessary and proper.

12  
13  
14 DATED: 4/23/10

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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